

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

**TIMOTHY CLEAVES, ET AL.** : **CIVIL ACTION NO. 14-cv-0986**

**VERSUS** : **JUDGE DONALD E. WALTER**

**AEROFAME SERVICES, LLC, ET AL** : **MAGISTRATE JUDGE KAY**

**ORDER**

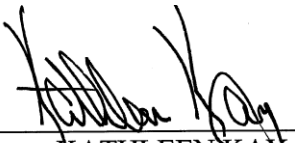
On July 28, 2021, plaintiffs were ordered to file a Motion for Summary Judgment with respect to each plaintiff's claim for wages, penalties, and attorney fees against Aeroframe Services, LLC, and to attach appropriate summary judgment type evidence. Doc. 92. Plaintiffs were invited to "adopt the argument made by plaintiffs in *Cooley, et al v. Aeroframe Services, LLC*, 14-cv-987 unless this plaintiff has additional reasons for judgment in her favor." *Id.*

On August 13, 2021, plaintiffs filed a Motion for Summary Judgment and attached an affidavit setting forth the wages each claimed each was owed and each attached his or her contract with counsel where he or she agreed to pay one-third of recovery as a contingency. Doc. 93. Plaintiffs also each made a claim for "an additional sum of \_\_\_\_\_ representing other unpaid wage benefits such as purchased vacation, regular earned unused vacation, and paid time off." Doc. 93, atts. 3-8. Each plaintiff inserted an amount into the blank listed in the affidavit. No plaintiff totaled his or her claim in his or her request. Defendant Aeroframe Services, LLC, filed an opposition adopting its opposition to *Cooley, supra*. Doc. 96.

On or before November 12, 2021, plaintiffs are to amend their memorandum in support of their motion to set forth the total amount claimed by each. The total amount is to be further broken

down by amount for wages, for penalties, and for attorney fees only. The court will not do any math for plaintiffs. The “additional sum” included in the affidavits is unsupported by any documentation and was not an item included for the *Cooley* matters so that we are able to simply refer to our ruling there to substantiate that award. We consider the time passed for plaintiffs to make such a claim for any “additional sum” and will suggest to the district court the “additional sum” claim be denied for each. Plaintiffs will have every opportunity to object to that recommendation at the time it is issued.

**THUS DONE AND SIGNED** in Chambers this 21<sup>st</sup> day of October, 2021.

  
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KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE